

SUPERIOR COURT
OF THE
STATE OF DELAWARE

FRED S. SILVERMAN
JUDGE

NEW CASTLE COUNTY COURTHOUSE
500 North King Street, Suite 10400
Wilmington, DE 19801-3733
Telephone (302) 255-0669

September 7, 2011

Kathryn van Amerongen, Esquire
Office of the Public Defender
Carvel State Office Building
820 North French Street, 3rd Floor
Wilmington, DE 19801

RE: *State v. Ronald J. Cochran*
ID # 1103003845

**Upon Defendant's Motion to Withdraw Guilty Plea –
DENIED, without prejudice.**

Dear Ms. van Amerongen:

Defendant's motion is fatally conclusory. The motion does not explain how it is that Defendant's guilty plea was not knowing and voluntary. Thus, the motion must be denied.

As the State reminds us by citing *State v. Friend*,¹ the court takes guilty pleas seriously. As to that, the court specifically told Mr. Cochran before it accepted

¹1994 WL 234120, at *1-2 (Del. Supr. Ct. May 12, 1994). ("The Court considers five factors to remove a guilty plea: (1) Was there a procedural defect in taking the plea; (2) Did the defendant knowingly and voluntarily consent to the plea agreement; (3) Does the defendant presently have a basis to assert legal innocence; (4) Did the defendant have adequate legal counsel throughout the proceedings; and (5) Does granting the motion prejudice the State or unduly convenience the Court.")

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his plea that once the plea is accepted, it will be “almost impossible” for him to back out of it. And, Mr. Cochran told the court that he understood.

Moreover, the court recalls that the plea colloquy on June 21, 2011 was thorough. The court reviewed the rights that Defendant was giving up, orally and in writing. The court also reviewed the penalties with Defendant, again, orally and in writing. Mr. Cochran told the court repeatedly that he was, in fact, guilty of the crimes to which he was pleading guilty. He told the court, orally and in writing, that the plea was knowing voluntary and intelligent. He also told the court, orally and in writing, that he was satisfied with his lawyer’s work. The court also recalls being told, before he decided to plea guilty, Defendant consulted with a family member, at his request.

Perhaps more importantly, after the court reviewed the crimes, the rights Defendant was giving up and the possible penalties, the court specifically cautioned Defendant:

This a serious thing, as I am sure that you are well aware, Mr. Cochran. But to be safe, if there is something on your mind about this, now is the time for us to talk about. Because, once the plea is accepted, like I said a moment ago, it’s going to be much more difficult to get the court’s attention than it is right now. Is there anything else for us to talk about?

In response, Defendant said, “No.” Again, that exchange followed a thorough plea colloquy covering the rights Defendant was giving up, the possible penalties, the disabilities a plea to a felony entails, the plea’s voluntariness, and, most importantly for present purposes, its irrevocability.

Accordingly, Defendant’s motion to withdraw guilty plea is **DENIED**.

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Defendant's counsel has leave to re-file the motion by noon, September 9, 2011, providing detailed, factual allegations supporting Defendant's currently unsupported claim that his plea was not knowing, voluntary, and intelligent.

IT IS SO ORDERED.

Very truly yours,

FSS: mes
oc: Prothonotary (Criminal)
Joseph S. Grubb, Deputy Attorney General